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Harmony Rogers.

The Albany correspondent of THE SUN records that "great pressure is being brought on the Speaker not to make the humiliation of Assemblyman Rogers too severe." The insurance committee will be the most conspicuous and important of the Assembly committees. The Broome statesman modestly asks to be head of it as a consolation prize for not being made Speaker or allowed to remain the majority leader. Naturally "the people who are friendly to Chairman Opell are talking the most about this assignment."

The Tribune's Albany man predicts Mr. Rogers's election and gives the reasons for it as well as Mr. Rogers himself could give them:

"The present indications are that JAMES T. ROOERS of Broome will get the chairmanship of the Committee on Insurance instead of ROBERT LANN COX of Erie. Mr. Rogers has worked faithfully for the Republican party and in the Speakership caucus made a strong speech for harmony. His appointment to the Insurance Committee would greatly lessen the sting of his deposition from the foor leadership."

ROGERS and Harmony! HOOKER and ance companies his own charitable doctrine in the Hooker impeachment, Mr. ROCERS would have to ask for the reinstatement of ALEXANDER, McCurdy and MCCALL

From this time forth I believe he will be a better life insurance official; his conduct of every kind will be above lieve the Legislature can well afford to say of him: 'Neither do I condemn thee;

go and sin no more.' " BURNHAM and HEGEMAN, Rebate TAR-BELL and all the brethren in the great art of commission eating will welcome such a kindly and forgiving spirit of heavenly harmony.

Another great reform principle of ROGERS's would read thus:

"I believe the conscience of the people should correct indiscretions of officeholders in insurance companies and politicians who have been on the graft."

Finally, we may be sure that "what Mr. Rogers wants is to punish the people who made it possible for" the life insurance grafters "to be carried away by the temptations to secure graft."

The money of the policyholders enables the grafters to be carried away by temptations to get graft. From the Rogerian point of view they are the men to be punished.

The honest part of the Republican in detail to anybody. party cannot afford to spare any accom- Mr. BRACKETT'S proceeding will be boom be a hero, anyway? plice in the acquittal of HOOKER, any watched with intense interest by citizens be harmonious with the commandment different political affiliations, Repub- makes the Emperor of Japan ruler over a with HOOKER and ODELL.

The British Parliament Dissolved.

The "Khaki" Parliament, elected in 1900, will be dissolved to-day and a new Parliament will be summoned to meet on February 13, the earliest possible date, the minimum interval prescribed by law being thirty-five days. The general election which shortly will take place will be more closely contested than any witnessed in the United Kingdom since that of 1886, which followed the defeat of Mr. GLADSTONE's first Home Rule bill. Six years ago a considerable proportion of the Unionist nominees were returned unopposed, but now we are told that almost every borough division in Great Britain has opposing candidates.

There seems to be no doubt that the

attempt made by Mr. BALFOUR and other Unionist leaders to cause the campaign to turn on the question of Home Rule rather than on the Free Trade issue has failed. The fact that during the last week the ex-Premier was howled down at Derby and that Mr. CHAM-BERLAIN met with the same fate at Manchester indicates that the tide of public opinion is flowing as irresistibly in favor nominees.

E. REDMOND, the Parliamentary leader | was to lament the good old times. of the Irish Nationalist party, has in- The third house flourished under Bossstructed Irish voters in British electoral ism and held a regrettable but powerful districts to vote for Liberal candidates, place in the scheme of legislation. Ununless these happen to be avowed fel- questionably, many lobbyists were notolowers of Lord ROSEBERY, in which rous swindlers. They were able to event special directions will be given. find out, by hook or crook, what the fate uency a supporter of Lord ROSEBERY they would bleed its prospective benewere opposed by a Unionist of the Dun- ficiaries or victims, as the case might be, raven type Irish electors would be told by selling what was not in the market. to vote for the latter. Exactly opposite | More money sticks to the fingers of the orders were issued by Mr. PARNELL (rooked lobbyist than ever reaches the in 1885, and inasmuch as the Irish votors spockets of corrupt legislators. It would in Great Britain number hundreds of be an eyeopener for some eminent citithousands Mr. GLADSTONE lost that | zens if they could trace the course of year a large number of boroughs which the good money they have spent for otherwise he would have gained.

ened to the fact that half a loaf is better | the enactment of which was assured than no bread at all. Invigorated by from its beginning. likely to get the other half. Experience swindled their employers, it cannot be

supersession of Castle government by should be not only administrative but to some extent legislative and which should be made up partly of delegates from the County Councils, most of which are controlled by the Nationalists. From such a concession the step to a General Council wholly elective would be short

and early. Now the Nationalists know from the public declarations of Sir H. CAMPBELL-BANNERMAN, the new Premier-made in the teeth of Mr. Balfour's effort to substitute a Home Rule for a Free Trade issue-that the Liberals are prepared to grant Ireland everything short of political independence. That is to say, their maximum concession will not fall short by an iota of Mr. GLADSTONE'S second Home Rule bill, which, while yielding to Ireland a national legislature empowered to deal with all matters exclusively Irish, required Ireland to maintain its existing representation in the Parliament at Westminster, to take part in business concerning the United Kingdom collectively and the outlying sections of the British Empire.

If the Liberals obtain in the next House of Commons the preponderance which now may be looked for, the reestablishment of a protective tariff for the ostensible purpose of giving a preference to the colonies will be ipso facto defunct. Nevertheless we expect to see the introduction and passage of a resolution proclaiming adherence to the policy of Free Trade, which has been followed by the United Kingdom for about sixty years. In view of the attitude assumed by the Duke of DEVONSHIRE, we have Harmony! Applying to the life insur- but little doubt that the House of Lords will concur with the House of Commons in the declaration. In that event Mr. CHAMBERLAIN may as well abandon the hope of witnessing the fulfilment

of his project. So far we have considered the outlook of the new Liberal Government exclusively from an Irish Nationalist or a Free suspicion and beyond reproach. I be- Trade point of view. There seems to be no doubt also that the next House of Commons will be more democratic than any seen since the days of CROMWELL. "Judge" HAMILTON and ANDY FIELDS, The Radicals under Mr. LLOYD GEORGE and the Labor Unionists under Mr. BURNS will between them exert an influence that cannot be disregarded, and we shall not be at all surprised to witness the passage of bills disestablishing the Anglican Church in Wales and decreeing the payment of members of the House of Commons and possibly also an eight hour labor day.

Dog Eat Dog.

Senator BRACKETT's reported purpose is to offer a resolution in the Senate within the next ten days providing for the appointment of an investigating committee to ascertain the final disposition of the \$235,000 fund paid by the New York Life Insurance Company to ANDREW HAMILTON for legislative work in New York, and which was unaccounted for

apologist for Hookerism. It needs to of all races and creeds and by those of "Thou shalt not steal," not harmonious licans, Democrats, Prohibitionists, Mug- territorial area which altogether is very wumps, Socialists and Hearstites. The importance of such an investigating committee, its work and its verdict would be felt in every State and in all foreign countries. In our opinion the appointment of such a committee is rendered absolutely necessary by the work of the Armstrong committee.

Who got this money? To whose bank account is it now credited? If it didn't stick, as the saying is, who passed it along? Many persons are perfectly familiar with the methods of lobbyists for corporations at Albany who deliberately get up "strike" bills on the corporations which employ them, hand them to Senators and Assemblymen, and then rush pell mell to New York and other parts of the State where the corporations are located and secure large sums for the ostensible purpose of defeating these fake "strike"

Senator BRACKETT's proposed resolution calling for the appointment of such a committee ought to precipitate a dog eat dog scrimmage between the lobbyists and their creatures, in which mangy hides would shrivel.

The Anti-Lobby Revolt.

Governor HERRICK of Ohio, just as he of the Liberala as it flowed in 1880, when revires from office, gives it as his opinion Mr. GLADSTONE obtained a majority of | that the lobby should be curbed. In about a hundred over Conservatives Mississippi, where there are men of good and Irish Nationalists combined. The sense, notwithstanding VARDAMAN, the miscarriage of the diversion essayed by Legislature is moving against the third Mr. Balfour is due mainly, no doubt, house. In Missouri the lobbyists have to the sound common sense of the Brit- to report at the State House, give their ish people, habitually inclined to deal pedigrees and behave themselves. In with one thing at a time, but partly to Albany the lobby is conspicuous by its the position taken by the Duke of absence this year. Its chief has been DEVONSHIRE, who has publicly advised stripped of his power and does not count Unionist Free Traders to vote for Liberal now. One or two hardy survivors of restaurant of the very first class, too), a the ancient system have been seen on It is further to be noted that Mr. JOHN | Capitol Hill, but their only occupation

We infer that if in a British constit- of a measure was likely to be, and then "legislative protection." Many a fat It seems to us that the Irish Nation- haul has been made by a shrewd scounalists are evincing remarkable sagacity | drel for "killing" a bill that never had a at this conjuncture. They have awak- breath of life or "passing" a measure

half a loaf, a man or a political party is However much the lobbyists may have

taught the Irish Nationalists in the last | denied that they have also swindled the session of the now expiring Parliament public and thwarted the popular will that so long as the Unionist party shall many times, and the revolt against be guided by Mr. A. J. BALFOUR and his them, showing strength in many States friends they cannot hope to secure even at one time, is a comforting symptom the modest instalment of home rule of the reawakened public spirit now advocated by Lord Dunraven, who manifest throughout the country. Legproposed, it will be remembered, the islative agents will always be maintained by those whose interests are involved a Dublin Council, the functions of which in proposed legislation. There is no cause to prevent such from pursuing their calling unmolested. They may be of real and positive advantage to the State on account of their intimate knowledge of the subjects with which they deal and of the information they can procure. But these are of a different class from the pass distributing, influence wielding lobbyist too familiar about many American legislative halls, whose passing would be a reason for real and general thanksgiving.

Order of Precedence in Dressing.

Memory cherishes with an especial fondness that sociological correspondent of ours who asked how a man should invest himself with his trousers and whether he should rest on his bedside, stand up or recline gracefully upon the floor when assuming for the day or a part of it these insignia of his rank. Such inquiries are not trivial. To the philosopher and the sociologist, the biographer and the historian they are often fruitful. Much of Mr. CARLYLE's atrabilious rhetoric could be better spared than the fact recorded, we think by him, that FRED-ERICK the Great put on his left trousers leg first. A born military man, who put his left foot foremost instinctively.

In to-day's Sun are divers learned opinions of two vexed questions: Should the right or left coat sleeve be donned first? Should the right or left trousers leg be donned first?

Everybody to his choice; and there are ambidextrous and ambicrural men. But, if there is nothing of despotism in the suggestion, why not turn first to the left? Left! The word implies discipline; and it is only by discipline that one learns to get up in the morning. Why do most men not left handed put the right leg and arm first, if they do? Did our ancestors, probably arboreal in their habits, swing themselves up using their rights first? At any rate, with the onesided and partial development of man, with the degeneration and atrophy of left handed and left legged initiative, superstition may have had much to do. The crow cawed sinister. The new moon was seen over the eft. The right is fortunate. It is true that some of our early ancestors may not have been bothered much with these matters of precedence, having no breeches, waistcoats or coats wherewith to be clothed. But ages of prejudice have left ineradicable marks in the world that wears clothes.

So the left is inauspicious, and the right arm and leg have the right and the best of it. Twentieth century legs and arms ought to be too scientific and advanced to cling to those old notions.

The Troy Press avers that "no Governor living has given greater proof of heroism than Governor Folk of Missouri. When was this heroic proof given? When he commuted the sentence of the murderer of a "scab" at the demand of "two millions of union men"? Wonder if the Federation of Labor thinks that Folk is a hero or just dead easy." Can a man looking for a

The recent arrangement with Corea close to that of the State of Texas. But while the Governor of Texas represents a population of about 3,500,000 the Mikado holds sway over some 60,000,000 people. In other words, a country of which we are accustomed to think as "little Japan" now | 03, says: exceeds in area and equals in population the German Empire. It exceeds France in both area and population. It also exceeds Austria-Hungary in both respects. Its population exceeds by nearly 50 per cent.

the entire population of South America. This is the "little Japan" which has recently taken a seat among the world Powers.

The New York correspondent of a news paper in Kentucky, a State perhaps more widely and more justly celebrated for its hospitality than for its hotels, reports as follows:

"The holidays brought over 125,000 persons to New York. The Waldorf-Astoria had over 1,300 guests one night, and the Gotham and its neighbors, the St. Regis and the Imperial, the Breslin, Hollman House and other hotels, were packed, and not a destrable room was to be had. All this indicates the wisdom of those who seven years ago raised theery that New York did not have enough hotels."

The excellence of New York hotels has always been manifest. If the accommodations have been inadequate at times, this has been due to the abnormal increase in the number of hotel patrons, resident and transient.

Fifteen years ago, before the construction of the present "apartment hotels," there were in what is now New York 100 hotels, of which a few-very few-were in Brooklyn. There are now more than 300, which have 40,000 rooms and which can meet, ordinarily, the requirements of 75,000 persons, many of them from other cities and pleasurably engaged in "seeing New York," its sights, its people, its stirring ways, its great public buildings and its myriad attractions.

A modern New York hotel is not only a A modern New York hotel is not only a live at the corner of Flith avenue and Thirty-sleeping place but also a restaurant (and a leighth street, and during the entire day, Friday, telephone exchange, a club parlor, a library, a ball room, a reception room, a reading room, a rallway office, a florist's shop, a candy store, an observatory, a tea room and a sun parlor all in one. As the facilities for comfortable elegance and elegant comfort are increased it is not unnatural that the New York hotels should be crowded.

Ancient British Bones.

TO THE POHOR OF THE SUN-Sir: I was much interested to read in Sunday's Sun about the dice used by the ancient Britons and astonished to know that they were loaded. They seemed like the ones n use to-day, being marked in the same way from 1 to 6; and just here came a puzzle, to know how dice marked in the regular way could be loaded. As I remember it, the modern Briton, the one over anyway, loaded his dice in a way to throw

all fives and sixes.

According to Prof. Boyd Dawkins, the ancient Briton could not have loaded his dice the same as we do; and as there has never been any other wa of deep interest to a lot of us old dice shakers if you uld find out the ancient way and let us know KIRKFIELD, Ontario, Jan. 5.

> The Cast of the Oil Inquiry Lodgers.

THE "FOREIGN PERIL."

Statistics More Creditable to Fereign Born

Americans Than to Natives. TO THE EDITOR OF THE SUN-Sin: We bear a good deal of alarming talk about the danger of the foreign element in this counry, and there is some danger, no doubt, that would an all-American country be like? I only know personally of one such a section States, and I must say it is in any of the scarcely what we could wish the whole coun-

That is the mountain section of Kentucky where feuds and "moonshine" and murders and disregard of law and ignorance and illiteracy prevail as nowhere else in this land. From some statistics of the section I gather hese facts: Out of a total population of 476,085 in thirty-five of these so-called ounties, about 15,000 of which is black-colored people are not fond of a country where is difficult to make a living-only 2,120 are "Bloody Breathitt," at present foreign born. with its leading officials under the cloud of assassination and connivance thereat, with a population of 14,322, has only seven foreign born residents. Owsley, Perry and Johnson with a population of 29,000, have but three foreign born residents—one each. Clay, noted as reporting the value of its firearms in excess of that of its agricultural implements, with a population of 15,364, has three foreign born residents. Letcher, with a population of 9,172, hasn't a single foreign born resident.

The percentage of illiteracy among the white voters of all the counties is 23.5 and among the blacks it is 47.5, nearly half. The general illiteracy of the whole State is 13.9 white and 49.5 black.

general liliteracy of the whole State is 13.5 white and 49.5 black.

Just across the river in Ohio the percentage of illiteracy is 4.4 white, 21.8 black. In Indiana it is 5.1 white, 27.7, black; in Illinois 4.5 white, 18.6 black.

Kentucky, with a population of 2.147.174, has 50.249 foreign born residents, while her sister States to the north, with a population of 11.485.557, have a foreign born population of 1.507.602. In the 284 counties of Ohio, Indiana and Illinois, 3.784 newspapers and periodicals are published, 510 of which are 1,507,602. In the 284 counties of Ohio, diana and Illinois, 3,784 newspapers and riodicals are published, 510 of which are ily, and no county is without its needed, and no county is without its needed, in the 119 counties of Kentucky newspapers and periodicals are publied, thirty-one of them daily; and fifteen unties have no papers, most, if not all of

counties have no papers, most, it not all of them, mountain counties. Our foreign element is not always desir-able, but a little of it mixed up with Ken-tucky couldn't do much harm, I fancy. New York, Jan. 6.

TO THE EDITOR OF THE SUN-Sir: Thanks THE SUN for directing its rays toward Mr Henry James's peculiarities and pedantries. He has recently set up as an oracle, asserting, in substance, that Americans do not speak good English, and yet in his own writings he constantly illustrates the diplomatic idea that words were invented to obscure thought Of intricate, involved, disjointed rhetoric he is a past master; much of his recent writing is happily characterized by THE SUN as "in-telligible to those who understand it." It is hardly too much to say that paragraphs are not infrequent which can be read backward ith as much sense as forward. Here are two or three sentences of very

ent publication: It was a concomitant, always, of the downtown hour that it could be felt as most playing into the surrendered consciousness and making the sharpt impression; yet, since the uptown hour was ap turn, to claim the same distinction, I could only let each of them take its way with me asit

It is more than a comfort to him, truly, in all the onditions, this accepted vision of the too defiant scale of numerosity and quantity—the effect of which is so to multiply the possibilities, so to open, by the million, contingent doors and windows; he rests in it, at last, as an absolute luxury, converting into a substitute, into the constant substitute, for many luxurles that are absent.

The interesting point, in this connection, is more over that this particular effect of the scale of things is the only effect that, throughout the land, is not ifrectly adverse to joy. Extent and reduplication, the multiplication of common, cognate items and the continuity of motion are elements that count there, in general, for fatigue and satiety, prompting the earnest observer, overburdened perhaps al-ready a little by his earnestness, to the reflection that the country is too large for any human conenlence; that it can scarce in the scheme of Providence, have been meant to be dealt with as we are trying, perhaps all in value, to deal with it and that very possibilities of population themselves cause to wince in the light of the question of interourse and contact.

Can any mortal man, American or English excepting Mr. Henry James, of course, tell what thought was in the writer's mind when he penned the above?

BOSTON, Jan. 6.

Champlain and the Isthmian Canal. TO THE EDITOR OF THE SUN-Sir time, when everything relating to Panama so vast and comprehensive" as to rival, is of interest, the student of early American | if not surpass, the taxing power itself. history may relish a bit of curious information. Parkman, in his "Ploneers of France in the New World," Volume II., pages 60 and 61 (Frontenac edition), writing of Samuel de Champlain's West Indian adventure of 1600-

His West Indian adventure occupied him than two years. He visited the principal ports of the islands, made plans and sketches of them all, after his fashion, and then, landing at Vera Cruz, journeyed inland to the city of Mexico. On his return he made his way to Panama. Here, more than two centuries and a half ago, his bold and active mind conceived the plan of a ship cansi across the istimus. "by which," he says, "the voyage to the South Sea would be shortened by more than fifteen hundred leagues."

Parkman in a footnote adds:

A Biscayan pilot had before suggested the plan to the Spanish Government; but Philip the Second, probably in the interest of certain monopolles. forbade the subject to be again brought forward on pain of death. WATSON B. BERRY. POTSDAM, N. Y., Jan. 6.

A Truly Happy New Year at Northport.

From the Northport Journal.

Mr. and Mrs. G. M. Burr entertained a few friends t their residence on Main street New Year's night and a most enjoyable evening was spent by all. Seldom does such a congenial company of ladies and gentlemen assemble as were present on this occasion, and the hours sped all too rapidly. The spirits of some of the gentlemen bubbled over and nanifested itself in somewhat violent exercises and mirthful eccentricities, one gentleman in particular even trying to imitate a cow. Sandwiched in were hearty songs and laughter by the entire folly company, vocal and instrumental solos, readings and recitations by individual members and later a delightful feast of good things, served by the hostess, who knows full well how to tempt the appetites of her guests, even if it takes the juley brown leg of a turkey to do it. The good natured host, appreciating the habits and tastes of the genopened a box of cigars and the fragrant weed was consumed with much gratification

Hydraulics on Murray Hill. TO THE EDITOR OF THE SUN-Sir: I read with

interest in this morning's Sun the amusing account of the break in the water mains in front of the Waldorf-Astoria, laying the cause to blasting in a tunnel at the Aliman Building.

we all on Thirty-eighth street were without water. Upon investigation we were told that the water was turned off from all this neighborhood. Noticing that the trouble did not commence at hirty-fourth street until 7 o'clock in the evening of Friday, I lay the trouble to the turning on quickly of the water in the mains running by us. for we were able to get water along Thirty-eighth street about 6:50 o'clock in the evening for the first time

on that day.

NEW YORK, Jan. 6.

venerable Assembly Ball.

only ones who haven't been overpowered by the learned attempts to mystify all studies of society by applying to them that high faiutin word socio ogy. JAMES D. DEWELL, J NEW YORK, Jan. 6. The Social Temperature in Philadelphia. TO THE EDITOR OF THE SUN -Sir: Is Curry Pep-per hat enough stuff to become one of the immortals?

He is already one of the elect of Philadelphia's

A High Compliment.

TO THE EDITOR OF THE SUN-Sir: You are the

PHILADELPHIA, Jan. 6. Condensed Biography of a Boss. TO THE EDITOR OF THE SUN-Sir: Who will write the life story of a Boss who sprang from nothing and grew into something worse?

A Guess. Perhaps an all wise Providence No snowstorm has conceded, scause it thinks the shovels all In Panama are needed

THE CONSTITUTIONALITY OF IT.

Has the Federal Government Power to Fix Rates for Interstate Transportation?

TO THE EDITOR OF THE SUN-Sir: The existence of any Federal power to establish railroad rates is still an entirely open question. This legal condition has been announced by the Supreme Court in a recent decision: "If Congress has the power to fix such rates-and upon that question we express no opinion-it does not choose to exercise its power in that way or to that extent." In view of this cautious reservation of opinion by the highest court, it is important to inquire into the reasons which may have induced it to refrain from the ready acceptance of Congressional

authority over this subject matter. The claim of power for the general Government to establish charges for the transportation of property among the States rests upon the assumption that the authority of the United States over such business is analogous to the authority of the States to ordain such charges for their domestic transportation. This contention is not justified. The origin and nature of the State power to enact such legislation are entirely distinct from the sources and character of the power given to Congress "to regulate commerce among the several States." The decisions during the last thirty years which have conceded such power to the State Governments are not logically applicable to the Federal authority. The power of the States to establish

railroad charges has been attributed by the Supreme Court to their general legislative authority over all classes of business affected with public uses. It is not generically a power over commerce. As far as commerce is conducted by instru- remedied. When it dealt with this entire mentalities in which the public has an implied interest, those instrumentalities may be governed, in the rates they charge the public, by the State Legislatures. But this power is not based upon any inherent dominion over commerce or over any agency connected therewith. It is only when such agency becomes subject to a species of public interest, and because of such subjection, that this State power to fix its revenues attaches to its operation. Even the elastic police power has not been deemed inclusive enough to define this dominion over certain classes of property, and it has been comprehensively described as a parliamentary power. After a severe struggle in the Legislatures and the courts it has become recognized as a part of that general authority which the people of the States have surrendered to their legislative bodies to protect the public in all business matters in which the public is concerned.

If the Federal Government has acquired this quasi-proprietary power over property engaged in interstate commerce, can fix the rates at which such property can be employed. If it has not acquired such dominion over such property or its user, it cannot fix the prices to be paid its owners. The legal ability of Congress to establish any railroad rates hinges upon this proposition.

While this broad and fundamental authority now resides incontestably in the States, it cannot be presumed to exist in the United States, as an inherent governmental power, except in the District of Columbia or in the Territories, over which the United States possesses complete legislative control. We have the highest autherity for stating that the power to fix the rates at which quasi-public service shall be performed is an independent and substantive power. It should not therefore be deduced from the grant of any other power contained in the Constitution. Moreover, it ought not to be implied from the power to regulate commerce among the States; because that power as incorporated in the Constitution is dissimilar in its objects and scope from the power to ordain the at this we may learn whether it includes "a power

tinct subject matter of legislation is identified by a long course of exercise in England, in the colonies and during the Conrederation, and in that historical character it is recognized by the Constitution. This category of power acquired its meaning and received its application from the trade system which prevailed between England and her colonies and foreign countries, colonies, or among the colonies themselves. This mercantile legislation dictated exported or imported, the places from or to which they might be brought, and the vessels on which they might be carried. These regulations of commerce were in part included in the system of navigation laws, and their most characteristic features consisted in the imposition of burdens and restrictions upon trade. This is the historical purport of regulations of commerce, and an examination of our instruments of general government will show that this was the sense in which its

organizers understood them. This understanding of this governmental power appears explicitly during the period of the Confederation and is reflected in

the following article: The people of each State shall have free ingress and regress to and from any other State and shall enjoy therein the privileges of trade and com-merce, subject to the same duties, impositions and restrictions as the inhabitants thereof respec-tively: Provided that such restriction shall not extend so far as to prevent the removal of property

The purport of that provision was to leave the several States at liberty to establish all privileges connected with commerce; to levy any duties upon goods coming from other States; to create any restrictions connected therewith; provided such restrictions also applied to the inhabitants of the several States imposing such restrictions. In the Congress of the Confederation the subject was frequently this power of regulation from the States to the general government, and thereby securing commercial uniformity among the

In February, 1785, the Rhode Island Report proposed "to grant the Congress power for twenty-five years to regulate trade between the respective States and to prohibit the restraining or regulating of importations by the States." On March 11, 1785, South Carolina proposed a similar amendment to the Articles, in order to give the Congress "power to regulate trade with the West Indies." In the Madison resolutions of November 30, 1785, the States were recommended to authorize Congress to regulate trade, to the extent of prohibiting foreign vessels from entering."

In a letter from Congress to the State Legislatures it was declared that "commercial regulations of any foreign power must be counteracted by similar regulations by us." The Congress proposed that the Ninth Article of Confederation be amended so that "the United States have of the Constitution. sole and exclusive power of regulating the trade of the States, as well with foreign nations as with each other." The com- | 17 functions of establishing and of regu-

missioners of Virginia and Maryland, to lating our institutions. In the Ninth Article whose initiative the Constitutional Convention was largely due, recommended it to consider how far a uniform system in their commercial intercourse and regu-

lations be advisable." A plain instance of the nature of this provision, as understood by the framers of the Constitution, is found in the objection taken by South Carolina in the convention to the adoption of the commerce clause. That State relied upon her agricultural products and their markets in foreign countries. She possessed no shipping, but England and New England conducted the carrying of her rice and other products. In this situation South Carolina contended that the proposed power to regulate commerce would enable Congress to exclude foreign shipping from the ports of South Carolina and leave her dependent on New England ships, thus enhancing the cost of exporting her products. This objection was overcome, but

the incident illustrates the understanding of the subject at that time. The above extracts have been furnished to demonstrate that the power to regulate commerce had a clear and definite application at the time of the meeting of the convention. It provided for the correction of the various methods developed by the mercantile system which then prevailed in all civilized countries-a system which had been applied by the States to each other, as well as to foreign countries, through a series of hindrances, impositions and restrictions. It is familiar history that these interstate conditions constituted a moving cause in favor of the establishment of the Constitution.

The convention may be presumed to have had in mind the evils intended to be on the Federal Government. There is subject it disposed of State duties on imports and exports by their practical prohibition. In dealing with other restrictions upon interstate commerce it couched the remedy in the well known terms of the commerce clause of the Constitution: The Congress shall have power to regulate com

merce with foreign nations and among the several

States, and with the indian tribes. The mere reading of this clause suggests its purview of the power to establish rates of transportation. Its terms apply equally to trade with foreign nations and among the States. If it includes any such proprietary power as is now claimed for it in reference to interstate commerce it must include a like power in reference to trade with foreign nations. The adherents of such power would therefore be logically reduced to the admission that by virtue of this clause Congress can prescribe the rates which may be charged for the conduct of business between our ports and foreign ports. When the commerce clause is studied

in the light of cognate provisions of the Constitution its true application becomes more apparent. Besides vesting the power in Congress to control the commercial relations among the States, and thereby enabling it to sweep away the insufferable obstacles to free commercial intercourse, the convention cautiously deemed it desirable to take from the States, by positive prohibition, certain prominent powers which they had theretofore exercised in respect to interstate commerce and which were deemed susceptible of perversion to the extent of obstructing its freedom. Hence the prohibition of the States laying any duty on tonnnage and the careful limitation of the extent and operation of inspection laws of the States and the charges imposed thereunder-both prohibitions being intended to strengthen the hands of Congress in regulating commerce, and both indicating the meaning and scope of the power in question.

Perhaps the most signal illustration of the entire orbit of this power to regulate commerce is contained in the clause preprices for transportation. By ascertain- scribing that "no preference shall be given ing the true definition of the regulation of by any regulation of commerce or revcommerce as drafted in the Constitution enue to the ports of one State over those of another." only one direction in which the commerce clause is intended to operate, it indicates The regulation of commerce as a dis- the nature of the subjects on which that regulation is to be exercised. This is again indicated by the succeeding clause: "Nor shall vessels bound to or from one State be obliged to enter or pay duties in another."

These factors bring us to a consideration of the guiding principle inspiring the commerce clause and its operation. Its scope is mainly, if not wholly, of a negative character. It was intended to authorize or between the mother country and the the removal of restrictions upon commerce; it was advocated on the ground that it would be productive of uniformity in comthe character of goods that might be mercial relations throughout the nation; and the Federal decisions have found the reason of its existence in this object. The history of its enforcement forms a continuous illustration of this nature of the power. The Federal tribunals have been engaged in declaring a multitude of State enactments to be infringements upon interstate commerce. Whether this local legislation took the form of the imposition of taxes or of the establishment of maximum rates for transportation, whenever such State legislation has impinged upon interstate commerce, the Federal courts have been virile in protecting its freedom from such restrictions. In its own field of legislation Federal authority has heretofore been exerted and sustained upon the theory that it removed obstacles to interstate commerce and was therefore justifiable upon the principle of regulation. Such is the adjudicated doctrine of the Sherman law and such is the theory upon which certain commerce imported into any State of which the owner is an inabitant. commission powers have been affirmed been predicated upon this legitimate regulative and corrective authority.

It is now proposed to convert this disciplinary power into an institute of property. It is claimed that when individuals or corporations are engaged in interstate commerce they become subject to a new set of Federal proprietary conditions. These Federal mandates are to act directly upon such investments and to declare in considered, with the object of transferring | principle a complete dominion over them and over their revenues. In sifting this novel attribution of a

common law power to the Federal Government it should be noted that much of the discussion which has taken place assumes the existence in terms of a Federal power to regulate rates-commercial rates of reward for conducting commerce among the States. It is needless to say that no such provision exists in the Federal Constitution. Its existence is confined to State Constitutions or State statutes, which confer such power in explicit language upon the local authorities. Therefore any estimate of the extent of power given to Congress must rest entirely upon the provision for regulating commerce among the States, and the preceding statement of the nature and limitations of this power may be confirmed by the phraseology of other clauses of the Constitution. They indicate that the effort to annex this radi cal State power over property is repelled from Federal jurisprudence by the text

Our organic assemblies have carefully maintrined the board distinction between

of the Confederation Congress receives the power of "establishing or regulating post offices from one State to another." we have a clear distinction between supervision or subjection to a uniform rule and the power of establishment or organization. A similar distinction is suggested in the clause conferring upon the Confederation Congress "power to coin money regulate the value thereof and of foreign coin, and to fix the standards of weights and measures." When we find language used in the Constitution similar to that employed in the Articles we are entitled to understand that its contextual meaning is continuous. Even in reference to such a governmental prerogative as the institution and control of an army and navy wa find the same distinctive language-"To make rules for the government and regula-

tion of the land and naval forces. While it is not necessary to claim that "regulation" does not involve substantive acts, it is apparent from the tenor of the several clauses in the Articles and the Constitution that those instruments distinguished between the creative and organic powers over their several subjects matter and the administrative or disciplinary powers over the same subjects. Throughout all these enacted forms of expression no terms can be found to suggest any intent to authorize the general Government to exercise so-called parliamentary power over property affected by public uses.

In view of the powers reserved to the States, should Congress be deemed by implication to be empowered to exercise this lat! tudinarian power? It must be apparent that no member of the Constitutional Convention contemplated conferring such power nothing in the history of the times to indicate that any citizen thought that the general Government was acquiring such a dominion over property engaged in commerce among the States. Nearly all such commerce existing at that time was coastwise or upon the navigable water courses. It was sought to relieve this interstate commerce from hindrances by substituting a national rule of uniformity for State obstruction. American vessels would be an inherent objection to the inclusion within enabled to enter freely into the ports of all the States and carry the products of any States. Was it intended to grant Congress the power to dictate the charges for the carrying of such products?

An evil or a supposed evil in reference to railroad transportation has recently been discovered. It is said to require a national remedy, and forthwith a clause in the Constitution which has a crystalized meaning is presumed to have ancener and different meaning-incorporating a territory of government which has never formed a part of the Federal system. We are told that if the rates of interstate traffic are not fixed by Co-gress they must stand without fixing by any governmental authority. This result may be conceded without calling for an unwarranted extension of Federal power. There are many political and social evils which our limited and specific Federal system does not alleviate.

He who asserts a power to exist under the Federal Government must point to the delegation of that power in the Constitution The power to regulate commerce relates to a subject matter different from the power to ordain the charges which may be made for the use of property affected with public interests. It cannot be invoked to sustain the proposed legislation, which is in itself "the exercise of a substantive power. In no event should "the grant of such a power so vast and comprehensive be implied. Upon this pronouncement of the Supreme Court with reference to this same power the subject may safely repose.

EDWARD L. ANDREWS. NEW YORK, Jan. 6.

THE BREECHES CATECHISM. The Great Bear on a Great Question. TO THE EDITOR OF THE SUN-Sir: Your author ity in the matter of pajamas, which your correspond ent "Left or Right" admits as unimpeachable, must give place to an elder, if not a better, when it comes

to deciding the vexed question whether in pu

on trousers the right or left leg should be put in The problem is one of many that an advanced civilization has given rise to. No such perplexity confronted aboriginal man or his descendants down to no very remote period. The Roman Senator in his toga and the Highland chieftain in his kill happily escaped the dilemma of "Left or Right," as well as the ridicule he complains of. There is no

gainsaying the seriousness of the question nor its merited grounds for controversy.

Its importance was not beneath the consideration of the great Dr. Johnson, and his decision, made the same year as his refutation of Bishop Berkeley's doctrine of the non-existence of matter, was "that it does not matter what leg you put in your breeches RIGHT OR ',EFT.

MONTCLAIR, N. J., Jan 6. The Babylonian Practice.

TO THE EDITOR OF THE SUN-Ser: "Left or Right" raises a novel question. Reasoning by analogy, however, from ancient authority, it is clearly deducible that the right leg must first be inserted in the trousers and the right arm first in If "Left or Right" will consult volume 9B of Rod-

kinson's "Babylonian Talmud." page 16. he will find the following rules laid down:

"How should one conduct himself before bathing! Thus: He shall first remove his shoes, take off his hat, remove his overcoat, take off his girdle, the take off his shirt, and after all the drawers, bathing, when a towel is brought to him, wines his head and then the other parts of his body When the oil is brought to him, he shall first and then he shall put on his drawers, then his shirt the girdle, then he shall wrap himself in his man'le, and then he shall put on his hat, and then his shoes And if he has his son, his slave or bondman, they shall do it for him. Always shall the right snoe put on first, and then the left one; and when taking off the shoes, the left one shall be taken off first." I have known aged and conservative who invariably dressed the right foot first as a pre-caution against ill luck. TRADITION. NEW YORK. Jan. 7.

TO THE EDITOR OF THE SUN-Sir: "Left of Right" takes life too seriously. Let him have some one hold his coat and then get in with both arms at once. As for the trousers, I would suggest that he refrain from putting them on in public.

NEW YORK, Jan. 7. BOTH HANDS

What Shall the Left Handed Do?

To the Editor of the Sun-Sir: As a right handed man always puts his left leg in his trousers first and left arm in his coat sleeve first, does handed man reverse the operation? I am right handed. HARLEM, Jan. 5.

Carmen's Mixed Copyright. From the London Daily Graphic.

The popularity of Bizet's "Carmen" is as great a Germany as in any other country, and German band-masters are looking forward to playing that favorice music without payment to the composer's representatives on and after New Year's Day. Bizet died in 1875, and the Franco-German Convention provides that authors' and composers' rights in their works cease after thirty years. the composer of "Carmen" is dead, and one of threttists, Melihac, is also, the other, M. Lu Halevy, is alive and well. Hence a legal question has arisen, and a German court has decided that the sle may be played, but that the words may be sung, without payment. An opera is clared not to be a harmontous whole, but is of two distinct parts, words and music, in caitch its own particular parent has his own par

Bricks and Stitches

From the Guthrie Guide.

It was reported at this office that a young man went to or near Lincoln school this week and best a young woman nearly to death with a brick. Where is the officers of the law. A stitch in time will save

The Exit. Cholly-Did you call on her last night? Algy-Yes, and from the way her father treated to you would have thought it was the White House,

ine stitches.